



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

COHEN, PONTANI,
LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Werder :
Application No. 10/786,417 :
Filed: February 26, 2004 :
Atty Docket No. 2001P80126WOUS:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed January 30, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, January 26, 2006, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. On February 8, 2006, an issue fee transmittal was filed. However, the transmittal did not specify payment of the fees. Moreover, the record indicates that an express abandonment was entered in this application on March 29, 2006. However, by Notice mailed January 8, 2009, the Notice of Abandonment (based on express abandonment) was withdrawn. On January 14, 2009, a new Notice of Abandonment was mailed.

In response, the instant petition was filed. Petitioner does not dispute that this application is properly abandoned for failure to pay the issue fee and publication fee. The petition

includes the required reply¹ in the form of payment of the Issue Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

It is concluded that all requirements of 37 CFR 1.137(b) have been met.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a stylized flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

¹ The Notice of Allowability did not set forth a distinct but concurrent requirement for corrected drawings.